IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1794

In re

Patent Application of

Robert A. Baydo et al.

Application No. 10/601,064

Confirmation No. 5519

Filed: June 20, 2003

Examiner: Chhaya D. Sayala

"FOOD GRADE COLORED FLUIDS FOR PRINTING ON EDIBLE SUBSTRATES"

Electronically Filed by:

Sally Sorensen
Signature

August 29, 2008
Date

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
VIA ELECTRONIC FILING
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is in response to Examiner's Statement of Reasons for Allowance set forth in the Notice of Allowance dated June 2, 2008. Applicants respectfully submit that the Statement of Reasons for Allowance sets forth only some of the features and elements claimed in claims 1-41 and 52-84 of the present application, and that the reasons presented represent only some of the reasons why some of the claims are allowable. Furthermore, the Reasons for Allowance recites language that is not necessarily consistent with language used in the claims.

Applicants assert with respect to independent claim 1, the prior art does not teach or suggest a food grade colored fluid comprising a food grade dye, glycerine, at least about 25 wt. % 1,2-propanediol, and optionally water; wherein the 1,2- propanediol, glycerine and any optional water make up at least about 90 wt. % of the colored fluid, and any water present makes up no more than about 35 wt. % of the colored fluid.

Applicants assert with respect to independent claim 15, the prior art does not teach or suggest a food grade colored fluid comprising about 0.1 to 10 wt. % food grade dye, about 25 to 95 wt. % 1,2-propanediol, about 1 to 50 wt. % glycerine, and no more than about 35 wt. % water; wherein the colored fluid has a viscosity of about 8 to 14 cps at 60° C and is free from insoluble coloring agents.

Applicants assert with respect to independent claim 16, the prior art does not teach or suggest a food grade colored fluid comprising a food grade dye, a food grade glycol, optionally glycerine and optionally water; wherein the food grade glycol and any optional glycerine and water make up at least about 90 wt. % of the colored fluid, and any water present makes up no more than about 35 wt. % of the colored fluid; and further wherein the colored fluid has a Brookfield viscosity at 60° C that changes by no more than 2 cps over a shear rate range from about 10 to 45 rpm.

Applicants assert with respect to independent claim 20, the prior art does not teach or suggest a food grade colored fluid comprising a food grade dye and at least about 25 wt. % 1,2-propanediol, wherein the food grade dye has an inorganic salt content of no more than about 0.5 wt. %.

Applicants' assert with respect to independent claim 23, the prior art does not teach or suggest a food grade colored fluid comprising a food grade dye and at least about 70 wt. % 1,2-propanediol, glycerine or a mixture thereof; wherein the colored fluid has a viscosity of about 35 to 65 cps at 25° C.

Applicants assert with respect to independent claim 55, the prior art does not teach or suggest a food grade colored fluid comprising a food grade dye and at least about 85 wt. % 1,2-propanediol; about 2 to 10 wt. % glycerine; and no more than about 5 wt. % water; wherein the colored fluid has a viscosity of about 35 to 65 cps at 25° C and a surface tension of about 35 to 50 dynes per cm at 25° C; and the food grade dye has a chloride content of no more than about 1000 ppm and a sulfate content of no more than about 1000 ppm.

Applicants assert with respect to independent claim 63, the prior art does not teach or suggest a food grade colored fluid comprising a food grade dye and at least about 85 wt. % 1,2-propanediol; about 2 to 10 wt. % glycerine; and no more than about 5 wt. % water; wherein the colored fluid has a viscosity of about 35 to 65 cps at 25° C.

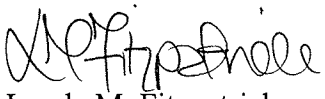
Applicants assert with respect to independent claim 72, the prior art does not teach or suggest a food grade colored fluid comprising a food grade dye and at least about 85 wt. % 1,2-propanediol; about 2 to 10 wt. % glycerine; and no more than about 5 wt. % water; wherein the colored fluid has a surface tension of about 20 to 60 dynes per cm at 25° C.

Applicants assert with respect to independent claim 81, the prior art does not teach or suggest an inkjet ink comprising a food grade dye; at least about 90 wt. % 1,2-propanediol, glycerine or a mixture thereof; and no more than about 5 wt. % water; wherein the inkjet ink has a surface tension of about 20 to 60 dynes per cm at 25° C.

Applicants assert with respect to independent claim 83, the prior art does not teach or suggest an inkjet ink comprising a food grade dye; at least about 90 wt. % 1,2-propanediol, glycerine or a mixture thereof; and no more than about 5 wt. % water; wherein the inkjet ink has a viscosity of about 8 to 14 cps at 60° C.

Various dependent claims ultimately depend from one of claims 1, 15, 16, 20, 23, 55, 63, 72, 81 and 83. Accordingly, each of these dependent claims is believed to be allowable based upon claims 1, 15, 16, 20, 23, 55, 63, 72, 81 and 83 and upon other features recited in the claims, but not discussed herein.

Respectfully submitted,



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